

MEMORANDUM ENDORSED

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December 30, 2019

VIA ECF

The Honorable Gregory H. Woods, U.S.D.J.
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: Tatum Rios v. Pier A Battery Park Assoc., 1:19-cv-08259 (GHW)

Dear Judge Woods:

We represent the Plaintiff in the above-referenced website accessibility case under Title III of the Americans with Disabilities Act and analogous state and city laws. We write now to respectfully request a brief adjournment of the Initial Pretrial Conference (“IPTC”) currently scheduled for January 7, 2020 at 2:00p.m. (Dkt. 13).

On December 19, 2019, this Court, at the request of Defendant’s counsel, and on our consent, moved the IPTC from January 2, 2020 to January 7, 2020 (Dkt. 9) due to Defendant’s unavailability. Plaintiff consented to the January 7, 2020 IPTC notwithstanding the fact that I already had mediation scheduled that day, because it was my intention to have my partner, Doug Lipsky, appear before your Honor. Unfortunately, the very next afternoon, December 20, 2019, Mr. Lipsky was served with a *Trial Subpoena Duces Tecum and Ad Testificandum* to appear in New York Supreme Court on January 7, 2020 in the case captioned *Mejia v. TN 888 Eighth Avenue LLC, d/b/a Cosmic Diner, et al.*, Index No. 1156623/2013. This leaves us with no partner available to cover the IPTC.

This is the third request for an adjournment of the IPTC. The Court granted Plaintiff’s first request to move the IPTC from December 18, 2019 (Dkt. 6) to January 2, 2020 (Dkt. 9), because Defendant’s answer was not due until December 17, 2019 (Dkt. 7) and Defendant’s Counsel had not yet appeared. Defendant timely filed its Answer (Dkt. 11) and Rule 7.1 Corporate Disclosure (Dkt. 10) on December 17, 2019, and promptly contact us to consent to his request for a short adjournment of the IPTC because he was scheduled to be out of town on January 2, 2020 and had not been consulted about the date. (Dkt. 12). The Court granted that request. (Dkt. 13).

We have conferred with Defendant's counsel and all parties are available on 1/8-1/10 and 1/13-1/17.

If granted, the adjournment will not affect other deadlines in the case, inasmuch as there is currently no Case Management Order entered. Defendant consents to this request.

We thank the Court for its time and attention to this matter.

Respectfully submitted,
LIPSKY LOWE LLP

s/ Christopher H. Lowe
Christopher H. Lowe

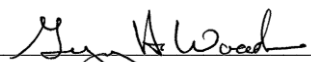
Cc: Wayne Kreger, Defendant's Counsel (via ECF)

Application granted. The initial pretrial conference scheduled for January 7, 2020 is adjourned until January 16, 2020. The joint letter and proposed case management plan described in the Court's September 6, 2019 order, Dkt No. 6, is due no later than January 9, 2020.

The Clerk of Court is directed to terminate the motion pending at Dkt No. 14.

SO ORDERED.

Dated: December 30, 2019
New York, New York



GREGORY H. WOODS
United States District Judge